

HOUSE BILL 542

A2

11r0324

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or**
3 **Tasting License**

4 **MC 3–11**

5 FOR the purpose of expanding the list of alcoholic beverages licenses that the
6 Montgomery County Board of License Commissioners may issue in the City of
7 Takoma Park to include a beer and wine sampling or tasting (BWST) license;
8 authorizing the Board to issue a BWST license to certain persons; authorizing
9 certain holders of a BWST license to hold only wine tastings or samplings;
10 specifying the annual license fee; specifying certain conditions for the use of a
11 BWST license; specifying certain maximum quantities of alcoholic beverages
12 that may be consumed under certain conditions; specifying certain requirements
13 for applying for and issuing a BWST license; authorizing an applicant for a
14 BWST license to request a hearing before the Board under certain
15 circumstances; defining a certain term; and generally relating to alcoholic
16 beverages licenses in Montgomery County.

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 8–216(d)(1)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2010 Supplement)

22 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article 2B – Alcoholic Beverages
 2 Section 8–408.2
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2010 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article 2B – Alcoholic Beverages**

8 8–216.

9 (d) (1) The Montgomery County Board of License Commissioners may
 10 issue, renew, and transfer and otherwise provide for [7] 8 classes of alcoholic
 11 beverages licenses in the City of Takoma Park as follows:

12 (i) Class B (on–sale) beer and light wine, hotel and restaurant
 13 licenses;

14 (ii) Class H (on–sale) beer and light wine, hotel and restaurant
 15 licenses;

16 (iii) Class B (on–sale) beer, wine and liquor, hotel and restaurant
 17 licenses;

18 (iv) Class H–TP (on–sale) beer license;

19 (v) Class D–TP (on– and off–sale) beer and light wine license;

20 (vi) Class A–TP (off–sale) beer, wine and liquor license; [and]

21 (vii) Class C–TP (on–sale) beer, wine and liquor license; AND

22 (VIII) BEER AND WINE SAMPLING OR TASTING (BWST)
 23 LICENSES ISSUED UNDER § 8–408.2 OF THIS TITLE.

24 **8–408.2.**

25 (A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

26 (B) IN THIS SECTION, “BOARD” MEANS THE MONTGOMERY COUNTY
 27 BOARD OF LICENSE COMMISSIONERS.

28 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
 29 BOARD MAY ISSUE A BEER AND WINE SAMPLING OR TASTING (BWST) LICENSE

1 TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS OR SAMPLINGS OF
2 BEER OR WINE.

3 (2) A HOLDER OF A CLASS A WINE LICENSE MAY USE A BWST
4 LICENSE TO HOLD TASTINGS OR SAMPLINGS OF WINE ONLY.

5 (D) THE ANNUAL LICENSE FEE FOR A BWST LICENSE IS \$200.

6 (E) (1) A BWST LICENSE AUTHORIZES SAMPLING OR TASTING OF
7 ALCOHOLIC BEVERAGES ONLY ON THE LICENSED PREMISES OF THE HOLDER OF
8 A CLASS A LICENSE.

9 (2) A HOLDER OF A BWST LICENSE MAY ALLOW CONSUMPTION
10 BY A SINGLE INDIVIDUAL FOR SAMPLING OR TASTING PURPOSES OF NOT MORE
11 THAN:

12 (I) 1 OUNCE FROM A SINGLE BRAND OF WINE;

13 (II) 4 OUNCES FROM ALL BRANDS OF WINE IN A SINGLE DAY;

14 (III) 3 OUNCES FROM A SINGLE BRAND OF BEER; AND

15 (IV) 12 OUNCES FROM ALL BRANDS OF BEER IN A SINGLE
16 DAY.

17 (3) ONCE OPENED, EACH BOTTLE USED FOR THE BEER AND WINE
18 TASTING OR SAMPLING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT
19 PURPOSE ONLY.

20 (4) THE HOLDER OF A BWST LICENSE SHALL NOTIFY THE
21 BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH SAMPLING OR TASTING
22 EVENT.

23 (F) (1) AN APPLICATION FOR A BWST LICENSE SHALL BE MADE ON A
24 FORM SUPPLIED BY THE BOARD.

25 (2) A BWST LICENSE MAY BE ISSUED WITHOUT A PUBLIC
26 HEARING.

27 (3) IF AN INITIAL APPLICATION FOR A BWST LICENSE IS DENIED,
28 THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.

29 (4) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN
30 APPLICATION FOR A BWST LICENSE BEFORE ISSUING THE LICENSE.

1 **(5) A RENEWAL OF A BWST LICENSE MAY BE MADE AT THE TIME**
2 **THE HOLDER’S CLASS A LICENSE IS RENEWED.**

3 **(G) THE PROVISIONS OF THIS SECTION ARE NOT RESTRICTED BY:**

4 **(1) § 12–107(B) OF THIS ARTICLE; AND**

5 **(2) THE PROVISIONS IN § 9–102 OF THIS ARTICLE THAT PROHIBIT**
6 **THE ISSUANCE OF TWO LICENSES FOR THE SAME PREMISES.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.